

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

Applicant has amended claims 30 and 46. Support for the amendments can be found in at least page 11, line 29 to page 12, line 20 and FIG. 4 of the present Specification. Applicant respectfully submits no new matter has been added. Accordingly, claims 30-58 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 112**

Claim 30 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Applicant has amended claim 30 to address Examiner's concerns. In light of this amendment, Applicant respectfully requests that the rejection be withdrawn.

### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 30 and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Molnar, *et al.* (US 6,810,242 B2). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, does not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

According to the Manual of Patent Examining Procedure (MPEP) § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Citing *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that amended independent claims 30 and 46 are patentable because Molnar fails to disclose, expressly or inherently, each and every element of amended independent claims 30 and 46. For example, Molnar fails to disclose, expressly or inherently, “a set of switches provided in the signal path

between the mixers and the first and second terminals, wherein switch devices coupled to the first mixer are arranged to be conductive for the first and/or second state of the second mixing signal, switch devices coupled to the second mixer are arranged to be conductive for the first and/or second state of the first mixing signal, and the first mixing signal is out of phase with the second mixing signal,” as recited in amended independent claim 30. Amended independent claim 46 recites substantially similar elements.

As support for rejecting amended independent claims 30 and 46, pages 2 and 3 of the Non-Final Office Action attempts to analogize Molnar’s mixer 106 and mixer 108 to the claimed “first mixer” and “second mixer” (a point which Applicant does not concede). According to the Non-Final Office Action, Molnar’s mixer 108 is “arranged similar” to mixer 106 (as shown in FIG. 2). Later, the Non-Final Office Action also attempts to analogize Molnar’s LO-I signal to the claimed “first mixing signal” (a point which Applicant does not concede). If Molnar’s mixer 106 and mixer 108 are similarly arranged, one presumes that Examiner is attempting to analogize a LO-I signal fed into mixer 108 to the claimed “second mixing signal.” However, nothing in Molnar discloses, expressly or inherently, that “the first mixing signal is out of phase with the second mixing signal,” as claimed. In fact, since Molnar’s LO-I signals are the same for mixer 106 and mixer 108, Molnar’s LO-I signals could not (and should not) be “out of phase” as claimed.

Thus, for at least these reasons, amended independent claims 30 and 46 (and all claims dependent therefrom) are patentable. Applicant respectfully requests that the rejection be withdrawn.

Claims 30, 37-46 and 53-58 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Manku, *et al.* (US 6,639,447 B2). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, does not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Manku also fails to disclose, expressly or inherently, each and every element of amended independent claims 30 and 46 because nothing in Manku discloses anything resembling “the first mixing signal is out of phase with the second mixing signal,” as claimed in amended independent claims 30 and 46. Thus, for at least this reason, amended independent claims 30 and 46 and all claims dependent therefrom are patentable. Applicant therefore respectfully requests that the rejection be withdrawn.

**Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 31-36 and 47-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Manku in view of Forgues (US 5,999,804). Forgues is not cited as disclosing, teaching, or even suggesting any of the elements of amended independent claims 30 and 46. Thus, claims 31-36 and 47-52 are patentable over Manku and Forgues, taken alone or in any permissible combination, at least due to their dependency on amended independent claims 30 or 46. Applicant therefore respectfully requests that the rejection be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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